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THE COOPER COMPANIES, INC.
and COOPERSURGICAL, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

T.U. and V.W., individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

COOPERSURGICAL, INC.; THE COOPER
COMPANIES, INC.; and DOES 1-10,
inclusive,

Defendants.

Case No. 4:24-cv-01261-JST

Assigned to: Judge Jon S. Tigar

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER GRANTING DISMISSAL OF
DEFENDANT THE COOPER COMPANIES,
INC., UPDATING THE CASE CAPTION,
AND PERMITTING PLAINTIFFS TO FILE A
SECOND AMENDED COMPLAINT**

Hearing Date and Time:
Courtroom 4 – 3rd Floor
Complaint Filed: February 6, 2024

Pursuant to the Federal Rules of Civil Procedure Rule 15(a)(2) and Civil Local Rule 7-12, Plaintiffs T.U. and V.W. (“Plaintiffs”) and Defendants The Cooper Companies, Inc. (“CooperCompanies”) and CooperSurgical Inc. (“CooperSurgical”) (collectively, the “Parties”), hereby stipulate and agree to the dismissal of The Cooper Companies, Inc. as a defendant, to updating the case caption to reflect the same as well as the recent dismissal by Plaintiffs F.G. and H.I. (ECF No. 98), and to permit Plaintiffs to file a Second Amended Complaint in the above-captioned matter so as to tailor the complaint and the allegations to the remaining Parties, stating as follows:

WHEREAS, Plaintiffs filed their First Amended Class Action Complaint in the above-captioned case in the United States District Court in the Northern District of California on May 23, 2024 (ECF 53);

WHEREAS, on July 11, 2024, Defendants filed their Motions to Dismiss Plaintiffs’ First Amended Class Action Complaint (ECF 67, 68);

WHEREAS, on July 11, 2024, Defendants filed their Motion to Strike Class Allegations in Plaintiffs’ First Amended Class Action Complaint (ECF 69);

WHEREAS, on December 4, 2024, the Court entered an Order Denying CooperSurgical’s Motion to Dismiss as to Plaintiffs T.U. and V.W. and Denying Defendants’ Motion to Strike (ECF 94);

WHEREAS, pursuant to a prior stipulation, CooperSurgical currently has until January 31, 2025, to respond to Plaintiffs’ First Amended Complaint (ECF 97);

WHEREAS, on January 7, 2025, Plaintiffs filed a notice of voluntarily dismissal of Plaintiffs F.G. and H.I.’s claims against Defendants (ECF 98);

WHEREAS, Plaintiffs T.U. and V.W. have stated that they agree to the dismissal of Defendant The Cooper Companies, Inc.;

WHEREAS, the Parties agree that the case caption should be updated accordingly to remove F.G., H.I., and The Cooper Companies, Inc. as Plaintiffs and Defendant, respectively;

WHEREAS, the Parties agree that the litigation will be simplified, including responding to the Complaint, by amending the Complaint to reflect the dismissal of Plaintiffs F.G. and H.I., as well as the dismissal of Defendant The Cooper Companies, Inc.;

1 WHEREAS, the Parties agree to permit Plaintiffs T.U. and V.W. to file a Second Amended
2 Complaint within seven (7) days of the entry of this stipulation, or by January 31, 2025, whichever is
3 earlier;

4 WHEREAS, the Plaintiffs agree that the only changes within the Second Amended Complaint will
5 be to remove the dismissed plaintiffs, F.G. and H.I., and remove allegations against The Cooper
6 Companies;

7 WHEREAS, the Defendants agree that they will file an Answer to the Second Amended Complaint
8 within thirty (30) days of the filing of the Second Amended Complaint and will not move to dismiss or
9 otherwise respond other than to answer;

10 NOW, THEREFORE, the Parties stipulate and propose that Defendant The Cooper Companies,
11 Inc., is dismissed from this action and that the caption shall be updated accordingly to remove Plaintiffs
12 F.G. and H.I. as well as The Cooper Companies, Inc., and that Plaintiffs T.U. and V.W. may file a Second
13 Amended Complaint within seven (7) days of the filing of this stipulation, or by January 31, 2025,
14 whichever is earlier, which filing will reflect the current and proper case caption, and that the case caption
15 should be amended to reflect the same.

16 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

17 DATED: January 14, 2025

18
19 **GIRARD SHARP LLP**

20 By: /s/ Dena C. Sharp

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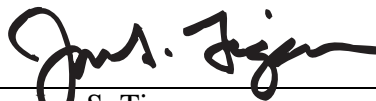
By: /s/ Jenny A. Covington

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1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2
3 Date: January 15, 2025

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5 _____
6 Hon. Jon S. Tigar

ATTESTATION OF FILER

Pursuant to Local Rule 5-4.3.4, the undersigned filer hereby attests that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: January 14, 2025

/s/ Jenny A. Covington
Jenny A. Covington